

House Bill 352

By: Representatives Williams of the 165<sup>th</sup>, Stephens of the 164<sup>th</sup>, Hill of the 180<sup>th</sup>, Carter of the 159<sup>th</sup>, and Day of the 163<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 15 of Title 12 of the Official Code of Georgia Annotated, relating to sewage holding tanks, so as to revise the "Sewage Holding Tank Act"; to regulate removal, transport, and disposal of sewage from septic tanks and sewage holding tanks; to provide for rules and regulations; to provide for enforcement; to provide penalties for violations; to provide for local ordinances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 15 of Title 12 of the Official Code of Georgia Annotated, relating to sewage holding tanks, is amended by striking Article 1, the "Sewage Holding Tank Act," and inserting in lieu thereof the following:

**"ARTICLE 1**

~~12-15-1.~~

~~This article shall be known and may be cited as the 'Sewage Holding Tank Act.'~~

~~12-15-2.~~

~~The General Assembly finds that there is a need for sewage holding tanks to accommodate the sewage from flush toilets which serve the needs of employees at construction sites during the temporary period of construction and the needs of the public at special events, and that such sewage holding tanks should be regulated to ensure that they are maintained in a clean, sanitary, and functional condition for the protection of human health, safety, and welfare. Where such sewage holding tanks are utilized, their construction, maintenance, and operation shall meet the standards of this article and all health and safety regulations applicable thereto.~~

~~12-15-3.~~ 12-15-1.

As used in this article, the term:

(1) 'Construction period' means the period of time during which a valid construction permit is in effect for a construction site.

(2) 'Construction site' means the property designated in a valid construction permit issued by the local government having jurisdiction of construction.

(3) 'Department' means the Department of Natural Resources.

(3.1) 'Division' means the Environmental Protection Division of the department.

(3.2) 'Local governing authority' means the governing authority of a county or municipality.

(3.3) 'Originator' means the prime contractor named in the construction permit or the sponsor of a special event.

(4) 'Sewage' means human excreta, all water carried wastes, and liquid waste, including graywater or similar waste by-products.

(5) 'Sewage holding tank' means a portable receptacle used on a temporary basis for containing sewage from flush toilets not connected to a public sewer system or an approved on-site sewage management system.

(6) 'Sewage holding tank system' means a closed system including the plumbing fixtures and connections to the sewage holding tanks.

(7) 'Special event' means any activity attracting more than 50 persons which is sponsored, organized, promoted, managed, or financed by any person, group, partnership, organization, corporation, business, or government entity where individuals congregate to participate in or observe an activity in outdoor or portable enclosed or semienclosed structures for more than two consecutive hours.

(8) 'Transporter' means any person or firm which owns or operates one or more tank trucks which in this state receive or dispose of sewage from septic tanks or sewage holding tanks.

~~12-15-4.~~ 12-15-2.

Sewage holding tanks may be utilized for construction trailers only at a construction site during the construction period, and at the site of any special event during the period of the special event and for 48 hours before and after the special event. Sewage holding tanks shall not be used as an approved method of sewage disposal in obtaining an occupancy permit or permanent power for any structure.

~~12-15-5. 12-15-3.~~

(a) Sewage holding tanks shall be maintained in a clean, sanitary, and functional condition and shall be constructed of impervious materials. Sewage holding tanks shall be watertight and capable of containing the sewage in a sanitary manner and shall be adequate in size to contain the sewage from the flush toilets being served by the tank and shall be serviced at least once per week while in use so that the tank will not be filled to more than one-half of its volume between regularly scheduled service. The prime contractor at a construction site or sponsor at a special event must monitor sewage holding tank capacity and ensure that the tank volume will not exceed one-half of the tank capacity at any time.

(b) Any defective or inadequate holding tank shall be repaired immediately or removed from service.

(c)(1) Removal of sewage from septic tanks or sewage holding tanks shall be accomplished in a clean and sanitary manner by means of a vacuum hose and shall be received into a leakproof tank truck, approved and ~~licensed for such service by the local health department for transport~~ permitted for such service in accordance with this subsection. Any sewage spilled, leaked, discharged, or otherwise released or removed from a septic tank or sewage holding tank to any location other than a leakproof tank truck shall be deemed a violation of Article 2 of Chapter 5 of this title, the 'Georgia Water Quality Control Act,' and such violation shall be punishable under the provisions of said Article 2.

(2) Any transporter shall register with the division or the local governing authority or its designee of any county or municipality in this state in which the transporter receives or disposes of sewage, and registration with the division or any such local governing authority shall be valid for operation throughout the state. Such registration shall be made on a standard form prescribed by rule or regulation of the department.

(3) Any tank truck which in this state receives or disposes of sewage from a septic tank or sewage holding tank shall be inspected and permitted annually for purposes of compliance with the requirements of this subsection by the local governing authority or its designee of any county or municipality in this state in which the tank truck receives or disposes of sewage, and a single permit issued by any such local governing authority shall be valid for operation of such truck throughout the state. Such permit shall be on a standard form prescribed by rule or regulation of the department. The permit applicant shall be required to identify the facilities at which sewage carried by such truck will be disposed, and such facilities shall be identified on and be a condition of such permit. For any transporter, the amount of such annual permit fee shall be \$250.00 for the first truck and \$100.00 for each additional truck.

(d) The sewage from septic tanks or sewage holding tanks carried by tank trucks shall be disposed only at a sewage treatment plant which is owned and operated by a city or county government and which holds a valid permit from the division or at a treatment plant owned and operated by the federal government, unless otherwise authorized pursuant to Code Section 31-2-8. Such disposal shall occur only with the permission of the ~~city or county government~~ entity which owns the sewage treatment plant. Any disposal of sewage from a tank truck at any location other than the place inside the property boundaries of a sewage treatment plant designated by the plant's owner shall be deemed to be a violation of Article 2 of Chapter 5 of this title. Such violation shall be punishable under the provisions of said Article 2.

~~(e) The sewage holding tank provider shall be responsible for maintaining a manifest system to ensure that all sewage pumped from a holding tank is disposed of in accordance with subsection (d) of this Code section. A responsible employee of the city or county sewage treatment plant which receives the sewage must sign a manifest for each load of sewage received, and the sewage holding tank provider must make the manifests available on each tank truck at any time for inspection by the division or any county board of health.~~ Any originator in this state, transporter, or disposal site operator in this state other than the federal government of any load of sewage vacuumed or pumped from any septic tank or sewage holding tank shall be each responsible for maintaining a manifest system for such load of sewage, and the transporter shall certify on its manifest that such load of sewage is disposed in accordance with subsection (d) of this Code section or in accordance with the law of such other state or jurisdiction in which it is disposed. The forms for such manifests shall be prescribed by rule or regulation of the department. Such manifests shall be maintained at the principal places of business of the originator, transporter, and disposal site operator other than the federal government for not less than three years from the date of sewage removal, transport, or disposal; except that the transporter's manifests covering not less than the immediately preceding 30 day period for a particular truck shall be kept in the transporter's tank truck at all times when operating in this state. Such manifests shall be made available at any time for inspection by the division or any local governing authority or the designee thereof.

~~12-15-6.~~

~~The prime contractor named in the construction permit or the sponsor of a special event and the sewage holding tank service provider shall be responsible for ensuring that the appropriate provisions of this article are complied with.~~

12-15-4.

The department shall promulgate such rules and regulations as are reasonable and necessary for purposes of enforcement of this article not later than December 31, 2005.

~~12-15-7.~~ 12-15-5.

~~The department and respective county boards of health~~ respective local governing authorities and their duly authorized agents are authorized to enforce compliance with this article and rules and regulations promulgated and adopted pursuant to this article.

~~12-15-8.~~ 12-15-6.

~~Any person violating the provisions of this article shall be deemed to be in violation of Article 2 of Chapter 5 of this title. Any such violation shall be punishable under the provisions of said Article 2.~~ Any person who violates any provision of this article, the rules and regulations adopted pursuant to this article, or any permit condition or limitation established pursuant to this article shall be liable for a civil penalty not to exceed \$2,500.00 per violation. For the purpose of enforcing the provisions of this article, notwithstanding any provision in Code Section 36-35-6, any other provision of law, or any municipal charter to the contrary, municipal courts shall have jurisdiction in cases of violations committed within municipalities and shall be authorized to impose a civil penalty not to exceed \$2,500.00 for each violation. Magistrate courts shall have jurisdiction in cases of violations of this article committed within unincorporated areas of counties and shall be authorized to impose a civil penalty not to exceed \$2,500.00 for each violation.

12-15-7.

This article shall be cumulative and shall not prohibit the enactment and enforcement of local ordinances by the governing authority of a county or municipality on this subject which are not in conflict with this article; provided, however, that such local governing authority shall be required to provide timely written notice to the division of any enforcement action taken pursuant to such an ordinance against a transporter registered under this article who is alleged to be in violation of such local ordinance. The division shall be notified of the initiation of any such local enforcement action and of the final conclusions or ultimate outcome of any such action."

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.